

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LUBA DACE, et al.,

Plaintiffs,

vs.

TD Bank/Target,

Defendants.

Case No.: 2:23-cv-01806-GMN-DJA

**ORDER ADOPTING REPORT &
RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 13), of United States Magistrate Judge Albregts, which recommends granting Defendant TD Bank/Target’s Motion to Dismiss, (ECF No. 6), and giving Plaintiffs Luba Dace and Philip Dace leave to amend their Complaint, (ECF No. 1-1).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (*See* R&R, ECF


1 No. 13) (setting an April 24, 2024, deadline for objections).

2 Accordingly,

3 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 13), is
4 **ACCEPTED and ADOPTED** in full.

5 **IT IS FURTHER ORDERED** that TD Bank/Target's Motion to Dismiss, (ECF No. 6),
6 is **GRANTED**. Plaintiffs shall have twenty-one (21) days from the date of this Order to file an
7 amended complaint. Any amended complaint should remedy the deficiencies identified in the
8 Magistrate Judge's Report and Recommendation. Failure to file an amended complaint by this
9 date shall result in the Court dismissing this case with prejudice.

10 Dated this 26 day of April, 2024.

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14 Gloria M. Navarro, District Judge
15 United States District Court
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